

BERGMANN · MESSGERÄTE · ENTWICKLUNG · KG

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AUG 15 2006

COMMISSIONER OF PATENTS  
AND TRADEMARKS  
Office of Petitions  
Washington, D.C. 20231  
U.S.A.

BAHNHOFSTR. 14  
82418 MURNAU  
GERMANY  
TEL.: (+49 8841) 5487  
(+49 8841) 79234  
FAX : (+49 8841) 90134  
(+49 8841) 79334  
email :  
bme-bergmann@t-online.de

August 16, 2006

Appl. No.: 10/698,464  
Filing Date: 11/03/2003  
First named Inventor: Thorald Horst Bergmann

ref: Notice of Abandonment  
Petition to request withdrawel of the holding of abandonment.

Dear Sirs,

please find attached a Notice of Abandonment I received a few days ago.

I have also attached a copy of Part B - Fee(s) Transmittal and the Credit Card Payment Form PTO-2038, which I had sent via UPS on March 23<sup>rd</sup> 2006 to the USPTO. As you can extract from the two documents provided by UPS,

- a) Certification of Delivery ("Zustellbestätigung"),
- b) Information about Delivery ("Zustellinformation"),

Part B - Fee(s) Transmittal and the Credit Card Payment Form PTO-2038 were delivered on March 27<sup>th</sup> 2006 to the USPTO, delivery at the USPTO was signed by a person with the name "Shah".

In the attachement I have also provided translations of the German phrases in the UPS documents.

As this is a clear proof that I have responded correctly and timely to the notice of allowance, I herewith request the withdrawel of the holding of abandonment, and to charge the necessary fees from my credit card.

Should, in this special case, that a delivered document becomes lost, any other documents become necessary, please give me the necessary information, so that I can provide these documents.

Sincerely yours

Thorald Bergmann

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,464	BERGMANN	
	<b>Examiner</b>	<b>Art Unit</b>	
	VAN ROY	2828	

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
 

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.
 

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

zC

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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PAGE 1/9 \* RCVD AT 8/15/2006 9:10:39 AM [Eastern Daylight Time] \* SVR:USPTO-EFAXRF-5/7 \* DNIS:2738300 \* CSID:08841 90134 \* DURATION (mm:ss):03:42

08/16/2006

Att: Office of Petitions

From: Thorald Bergmann

Appl. No.: 10/658464

total of 9 pages including  
this page



**ZUSTELLBESTÄTIGUNG**

Sehr geehrter Kunde,

diese Mitteilung ist eine Antwort auf Ihren Informationsantrag über die unten genannte Sendung.

<b>Kontrollnummer:</b>	12 600 V25 66 9835 470 2
<b>Referenznummer(n):</b>	600V2SVLNLF, 202992ONNOR
<b>Serviceoption:</b>	EXPRESS
<b>Versandt bzw. in Rechnung gestellt am:</b>	23.03.2006
<b>Zugestellt am:</b>	27.03.2006 9:41
<b>Unterschieden von:</b>	US
<b>Ort:</b>	SHAH OFFICE

Wir hoffen, Ihnen hiermit weitergeholfen zu haben.

Mit freundlichen Grüßen,  
 United Parcel Service

Von UPS zur Verfügung gestellte Statusabfrageergebnisse: 27.03.2006  
 12:06 Zeitzone USA-Ost/USA-New York

Document A

## Translation of Phrases in Document A

- a) Certification of Delivery
- b) Dear Customer
- c) this communication is an answer to your request of information about the following shipment
- d) Tracking Number: 1 Z 600 V25 66 9835 4702
- e) Reference Number : 600V25VLNLF, 202992ONNOR
- f) Service Option: Express
- g) Shipped and billed: 23.03.2006
- h) Delivered: 27.03.2006 9:41, US
- i) Signed by: Shah
- k) Location: Office
- l) We hope we have been able to help you
- m) With friendly greetings, United Parcel Service
- n) Status result has been provided by UPS on 27.03.2006 12:06 New York time.



Z.HD.V. : HERR BERGMANN  
TELEFON : 088415481

a)

b)

### ZUSTELLINFORMATION

FAX ANTWORT

ANFRAGE VON:

HERR BERGMANN  
BERGMANN MESSGERAET.ENTWICK.  
BAHNHOFSTR. 14

82418 MURNAU

GESCHICKT AN: OF THE UNITED STATES PATENT  
DIRECTOR  
400 DULANY ST FL G  
ALEXANDRIA VA 22314

Absendernummer.....600V25

Kontrollnummer.....1Z600V256698354702

Laut unseren Unterlagen wurde 1 Paket am 27/03/06 um 09:41 zugestellt und im BÜRO hinterlassen.  
Die Sendung wurde von Herrn/Frau SHAH wie folgt unterschrieben:

ABSENDER NUMMER	PAKET NR.	KONTROLL- NUMMER	ANSCHRIFT (STR./HAUSNR./ORT)	UNTERSCHRIFT
600V25		1Z600V256698354702	DULANY ST FL G 400 ALEXANDRIA	<i>A. Shah</i>

Document B

GER4JXB:000A0000

## Translation of Phrases in Document B

- a) Information of Delivery
- b) Fax answer
- c) Requested by: Herr Bergmann, Bergmann Messgeraete Entwicklung,  
Bahnhofstr. 14, 82418 Murnau
- d) Sent to: of the United States Patent, Director, 400 Dulany St. FL G,  
Alexandria VA 22314
- e) Shippers number: 600 V25
- f) Tracking Number: 1Z600V256698354702
- g) As to our files, 1 parcel was delivered on 27/03/06 at 9:41, and left  
in the Office. The shipment has been signed by Mr./Mrs. Shah as  
follows: